

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	CASE NO: 1:18-CR-650
	:	
Plaintiff,	:	JUDGE SOLOMON OLIVER, JR.
	:	
-vs-	:	
	:	
DARRYL L. ROLLINS,	:	DEFENDANT ROLLINS'
	:	SENTENCING MEMORANDUM
Defendant.	:	
	:	

Defendant Darryl Rollins, through counsel, submits this Memorandum for the Court's consideration at sentencing, scheduled for July 25, 2019. Mr. Rollins requests a sentence below the advisory guideline range, which is "sufficient but not greater than necessary" to achieve the statutory goals of sentencing, pursuant to 18 U.S.C. §§ 3553(a) and 3661.

Respectfully submitted,

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Ohio Bar No.: 0051928

/s/ Carlos Warner
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SENTENCING MEMORANDUM

A. *Introduction*

Defendant Darryl Rollins presents the following memorandum in favor of a below-guidelines sentence. Mr. Rollins plead guilty to the single count indictment charging unarmed Bank Robbery in violation of 18 U.S.C. §2113(a), without a plea agreement. There is no mandatory minimum, bank robbery is a Class C felony and carries a maximum term of 20 years.

Mr. Rollins presents argument herein that his mental health condition and his age militate in favor of a sentence below the guideline range of 37 - 46 months in Zone D of the sentencing table. Mr. Rollins has been held in pretrial detention at Geauga County Jail since November 2, 2018.

B. *Application of 18 U.S.C. § 3553(a)'s Sentencing Factors*

A sentencing court is to impose the lowest sentence in achieving the four statutory purposes of sentencing: justice; deterrence; incapacitation; and rehabilitation. 18 U.S.C. § 3553(a)(2); *Kimbrough v. United States*, 552 U.S. 85, 101 (2007). Darryl Rollins presents the following factors for the Court's consideration in determining his sentence.

1. History and Characteristics of Darryl Rollins

Darryl Rollins is a 65-year-old, single African-American man who was born and raised in Cleveland, Ohio to William Bennett and Dollister Rollins. His parents divorced when Mr. Rollins was 8-years-old due to his father's alcoholism and mental health problems. Darryl Rollins and his siblings Valerie McClendon and Alan Rollins moved with their mother to live with his maternal grandparents after the divorce. Dollister Rollins worked in the bulb section of General Electric for 32 years, creating a vacuum between her ability to be with her children during their non-school hours. Darryl Rollins and his siblings were essentially raised by their grandparents until his grandmother died in 1967 of cancer when Mr. Rollins was 14-years-old. His grandfather died four years later of

cancer, beginning a series of close family loses caused by cancer.

Darryl Rollins did not have any contact with his father until he asked his paternal grandparents about his whereabouts just before he enlisted in the Navy at age 18. Mr. Rollins was able to find his father living in New York City. After the finding of his father, Darryl Rollins was able to establish a close relationship with him, staying in touch with his father until he passed away in 2004 from prostate cancer. Not long after his father's death, Darryl Rollins lost yet another family member to cancer: his older brother, Alan, passed away in 2007, at the age of 50, from prostate cancer. He had a close relationship with his brother and he was devastated by the loss of his closest sibling.

As a teenager, Darryl Rollins attended John F. Kennedy High School in Cleveland, Ohio; however, he was not a good student due to his keen interest in sports and other extracurricular activities. He played football and basketball while in high school. In 1970, Mr. Rollins passed on a college basketball scholarship in order to join the United States Navy during the Vietnam War. After completing his boot camp at Great Lakes, Illinois, he was stationed at South Philadelphia Naval Station, where he served for the next two years. He received an Honorable Discharge.

Following his discharge from the Navy, Mr. Rollins worked some odd jobs. He was employed by the City of Cleveland's Water Department as a laborer, and later took a position at the Cuyahoga County Welfare Department as a custodian. He last worked as a truck driver close to 20-years-ago. Mr. Rollins indicated that he was active in religious work and wanted to pursue a career as a pastor.

Darryl Rollins began dating in his teens and had his first serious relationship in 1972 with Karen Lowery, when he was 19 and she was 18-years-old. They went their separate ways after being together on and off for many years. Darryl Rollins maintained communication with Ms. Lowery throughout, and they have a good platonic relationship.

Darryl Rollins has three sons, and he participated as a parent in raising all of his children when he was not incarcerated. His oldest son, Darryl Jr. is 44-years-old and lives in Cleveland with his long-term girlfriend and they share a daughter. Darryl Jr. owns a heating and air-conditioning business. Mr. Rollins' middle son, Dumont, is 36-years-old and works for the City of Cleveland' Parks and Recreation Department. Dumont and his girlfriend have a daughter together as well. His youngest son, Damon, is 32-years-old and runs a recording studio and drives a truck for a beverage company. Darryl Rollins has a good relationship with his sons and his children and are supportive of him. Mr. Rollins noted that when he met Karen, she was pregnant with her daughter, Tiffany. He has a close relationship with Tiffany and was pleased that he had been able to be a father figure in her life.

Darryl Rollins met Robbie Jackson in 2004, and they were together for over ten years, until Ms. Jackson away from cancer in 2015. Darryl Rollins suffered the loss of his mother in 2016, also to brain cancer, a devastating blow to Mr. Rollins, who was her caregiver for the many months she was incapacitated due to her illness. After losing another loved one to cancer, Darryl Rollins has no interest in getting involved in another relationship, due to his fear of losing the people he loves to cancer.

Battle with Addictions

Darryl. Rollins reported that he began smoking marijuana in the 1960's when he was 11 years old with some of the boys in his neighborhood. He started drinking alcohol when he was 15 years old and used to ask his older friends to buy him vodka and fermented apple juice. He first snorted cocaine when he was 16 years old and his use escalated rather quickly, to the point where he was using it three times a week. Mr. Rollins has never used of narcotics or opiates, but has struggled with substance abuse throughout his adolescence and adult life. His longest period of sobriety was in 2000

after he was hospitalized for nine months at the Battle Creek VA Hospital in Michigan.

Mr. Rollins has undergone treatment both outpatient and inpatient, over the many years of his addition. His last treatment was at Mary B. Talbot, which was a community-based program provided by Catholic Charities. He was never prescribed psychotropic medications with the exception of taking Ativan for cocaine craving. Mr. Rollins has suffered depression and believes that the drug use is a way he can cope with his sadness at the loss of so many loved ones to cancer.

Since he has been in detention for the instant offense. Mr. Rollins has been sober, and is able to put his life in perspective, including his plans for the future after he has served his sentence. Mr. Rollins understands that his desire to purchase drugs was the motivating factor in his decision to rob the bank: now, thinking clearly again without drugs, he is able to see the damage his drug use has caused over these many years.

Darryl Rollins wants to return to a paying truck driving position, and he wants to stay out of the city of Cleveland, and hopes to live in Geauga County. He is a favorite at the Geauga County Jail, where the staff all think fondly of Mr. Rollins, and note that he never causes any problems and has been the model detainee. Mr. Rollins believes he can maintain his sobriety once he is released, and be able to connect with his sons again as he has grown older and has been so impacted by the many losses in his life.

2. Need for Sentence Imposed to Reflect Seriousness of Offense, Promote Respect for the Law, Provide Just Punishment, Afford Adequate Deterrence, Protect the Public from Further Crimes, and Provide Darryl Rollins with Needed Training, Medical Care, or Other Correctional Treatment in the Most Effective Manner

Darryl Rollins accepts responsibility for his actions, as evidenced by his plea of guilty and statement of responsibility. The guidelines range, however, would result in a sentence of imprisonment longer than necessary, particularly give Mr. Rollins age. Mr. Rollins has also suffered

a heart attack while in Geauga County Jail, and is concerned about his future health conditions, given his family history.

3. The Sentencing Range Under the Advisory Sentencing Guidelines

The Presentence Report suggests the following calculations under the advisory guidelines that, if applied, would result in a range of 37 - 46 months, based on offense level 19 and criminal history category III:

Base Offense Level – 2B3.1(a)(1)	20
Property of Financial Institution - §2B3.1(b)(1)	+2
Adjustment for Acceptance of Responsibility	-3
Total Offense Level	19

[R.14, PSR , p 4, ¶¶ 9-18].

C. *Conclusion/Variance*

Based upon the person characteristics and Mr. Rollins' age and his addictions which were the motivation for the offense, Darryl Rollins respectfully requests a sentence below the guideline range that is "sufficient but not greater than necessary" to achieve the statutory purposes of punishment as required by 18 U.S.C. § 3553(a).

Respectfully submitted,

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Ohio Bar No.: 0051928

/s/ Carlos Warner _____
CARLOS WARNER
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2019, a copy of the foregoing Defendant's Sentencing Memorandum was filed electronically under seal. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic receipt.

/s/ Carlos Warner
CARLOS WARNER (0068736)
Assistant Federal Public Defender

